

PLANNING COMMISSION

Meeting Date: 01/17/23

ADDITIONAL ITEM ADDED AFTER DISTRIBUTION OF PACKET (# 1)

AGENDA ITEM # 2

Applicant/Project Name: EV Charging Stations Permit Process - Streamlining
Project Number: TMP-1845, TA22-0003, EX22-044

Brief Description: Attachment B with underlines and strike-thrus

Date 01/13/23
Time 10:45 a.m.

AMENDMENTS TO SAN MARCOS MUNICIPAL CODE

Chapter 17.10 (Electric Vehicle Charging Station Review Process) is hereby added to the San Marcos Municipal Code, as set forth below:

Chapter 17.10 ELECTRIC VEHICLE CHARGING STATION REVIEW PROCESS

17.10.010 Purpose.

The purpose of this chapter is to establish an expedited permitting procedure for electric vehicle charging station systems to assist with timely and cost-effective installations.

17.10.020 Definitions.

The following definitions shall govern all terms of this chapter and shall supersede any term otherwise defined in this chapter:

“Electronic submittal” means the utilization of one or more of the following:

1. Electronic mail or email;

2. The Internet.

“Electric vehicle charging station or charging station” means any level of vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

17.10.030 Duties of the building safety division and building official.

(a) All documents required for the submission of an expedited electric vehicle charging station application shall be made available on the City’s Internet website.

- (b) Electronic submittal of the required permit application and documents by email shall be made available to all electric vehicle charging station permit applicants.
- (c) The electronic signature of an applicant, engineer, architect, or contractor shall be accepted on all forms, applications, and other documents in lieu of a wet signature.
- (d) The building safety division shall develop a checklist of all requirements that electric vehicle charging stations must comply with to be eligible for expedited review.

17.10.040 Application, permit, and inspection requirements.

- (a) Applicant shall verify the electric vehicle charging station meets all applicable safety and performance standards established by the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.
- (b) For a project complying with the checklist for an electric vehicle charging station the applicant may submit the permit application and associated documentation to the City's building safety division by personal, mailed, or electronic submittal.
- (c) An application that satisfies the information requirements in the checklist, as determined by the building official, shall be deemed complete. Upon receipt of an incomplete application, the building official shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.
 - 1. Review of the application to install an electric vehicle charging station shall be limited to the building official's review of whether it meets all health and safety requirements of local, state, and federal law. Requirements imposed by the City shall be limited to those standards and regulations necessary to ensure that the

electric vehicle charging station will not have a specific, adverse impact upon the public health or safety. However, if the building official of the City makes a finding, based on substantial evidence, that the electric vehicle charging station could have a specific, adverse impact upon the public health or safety, the City may require the applicant to apply for a use permit.

(d) Any conditions imposed on an application to install an electric vehicle charging station shall be designed to mitigate the specific, adverse impact upon the public health and safety at the lowest cost possible.

(e) Upon confirmation by the building official of the application and supporting documentation being complete and meeting the requirement of the checklist, the building official shall administratively approve the application and issue all required permits or authorizations. Such approval shall not include any necessary approval or permission by a local utility provider to connect the electric vehicle charging station to the provider's electricity grid. The applicant is responsible for obtaining such approval or permission from the local utility provider.

(f) If an electric vehicle charging station and any associated equipment interfere with, reduce, eliminate, or in any way affect the required parking spaces for existing uses, the City shall reduce the number of required parking spaces for the existing uses by the amount necessary to accommodate the electric vehicle charging station and any associated equipment.

17.10.045 Appeals.

The decision on an application by the building official may be appealed to the Planning Commission pursuant to the procedures set forth in Section 20.545.010 of this Municipal Code, except that the decision of the Planning Commission relating to an appeal under this section 17.10.045 shall be the final determination of the City in the matter.

Title 20 (Zoning), Chapter 20.600 (Definitions), Section 20.600.070 "E" Definitions, is hereby modified as redlined below:

Electric vehicle charging station or **charging station** means any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code, as it reads on the effective date of this Chapter, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

~~**Electric Vehicle Charging Station.** A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.~~

~~**Electric Vehicle Charging Station Checklist** means the submittal checklist required by the City of San Marcos to be submitted with the permit application for an electric vehicle charging station to demonstrate compliance.~~

Electronic submittal means the utilization of one or more of the following: electronic mail or email; the internet; and/or facsimile.

Chapter 20.340 (OFF-STREET PARKING AND LOADING), Section 20.340.060 (OFF-STREET PARKING SIZE AND LOCATION) of the San Marcos Municipal Code is hereby modified as redlined below:

K. **Electric/Alternative Fuel Vehicle Parking.** Electric/alternative fuel vehicle parking and charging stations shall be provided in accordance with the following standards. ~~Charging station levels are defined in Chapter 20.600 (Definitions).~~

~~1. **Applicability.** Parking spaces with electric recharge stations shall be provided in new developments or remodeling or expansion of existing development that provide at least two hundred fifty (250) vehicle parking spaces.~~

~~1. **2. Number of Spaces Required.**~~

~~a. One (1) conductive and one (1) inductive charger shall be provided in each project required to provide between two hundred fifty (250) and five hundred (500) parking spaces, with an additional conductive and inductive charger provided for each additional two hundred fifty (250) required parking spaces.~~

~~b. Parking spaces with an electric recharge station may count for one half (1/2) of one (1) required parking space per Table 20.340-1.~~

~~(a) All multi-family residential and non-residential projects are required to provide 5% of their required spaces as Electric Vehicle charging stations (Level 2 or better). Projects that emit fewer than 500 MT of carbon dioxide equivalent annually are exempt from this requirement, as identified in the City's Climate Action Plan Consistency Review Checklist.~~

~~(b) All residential and non-residential Electrical Vehicle parking must comply with the requirements of Chapter 17.28 of this Municipal Code and the California Green Building Standards Code.~~

~~23. **Permit Requirements.** All applicable electrical and building permit requirements, restrictions and inspections shall apply to the construction of charging/exchange stations.~~

~~Charging stations/spaces:~~

~~4. **Level 1/Level 2 Stations.** Level 1 or Level 2 electric vehicle charging stations are permitted within R Zones internal to the garage to serve the occupants of the individual dwelling unit or residential building.~~

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~~5. Level 3 Stations. Level 3 or commercial grade charging/exchange stations/spaces: are restricted to service stations or parking lots within the following Zones: C, NC, B-P, OP, L-I, I, I-2, SR, and all Mixed Use (MU) Zones. Charging stations/spaces:~~

- a. Shall be posted with signage indicating the space is only for ~~E~~electric ~~V~~vehicle charging purposes. Days and hours of operations shall be included if time limits or tow away provisions are to be enforced by the owner. Information identifying voltage and amperage levels or safety information must be posted.
- b. Should be sited within parking areas to discourage non-electric vehicle use.
- c. Shall not interfere with on-site parking or pedestrian circulation.
- d. Shall be maintained in functioning order in all respects.

Chapter 20.500 (PERMITS AND APPLICATION PROCESS) Section 20.500.020 (APPLICABILITY) of the San Marcos Municipal Code is hereby modified as reflected below:

Section 20.500.020 - Applicability

The provisions of this chapter shall be applicable to all land use permits, administrative and discretionary, required for the development, building, establishment, renewal, modification, or discontinuance of any land use or structure within the City. Permits, subject to this chapter, shall be issued in accordance with permit requirements of the applicable Zone. Nonconforming uses and structures shall be subject to permit procedures as established by Chapter 20.345 (Nonconforming Uses, and Structures).

A. Exemptions. The following activities shall be exempt from the permit requirements of this Zoning Ordinance; however, the activities may be subject to building code compliance and permits required under other provisions of the Municipal Code:

1. Interior modifications or alterations that do not result in an increase in gross square footage or modifications to the exterior setbacks of the building or structure.
2. Ordinary repairs and maintenance that do not impact the operation or conditions of the established land use.

3. Public utility or public agency activities for the installation, construction, modification, or maintenance of utilities as related to the service of existing or approved lots or development.

4. Activities or installations specifically exempted from local zoning requirements pursuant to provisions of state or federal law.